



Susan L. Trevarthen, BCS, FAICP
Member
slt@wsh-law.com

September 20, 2023

Mr. Jesus Merejo
City Manager
City of Port St. Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

Re: Retainer Agreement for Interim City Attorney Services

Dear Mr. Merejo:

We are pleased that the City of Port St. Lucie (the "City") wishes to engage our Firm as Interim City Attorney. This letter is intended to set forth our understanding as to the nature and scope of the legal services we have agreed to render for the City, the manner in which our fees for those services shall be determined and the terms upon which the City will make payment.

1. **Nature of Legal Services.** The City has engaged us to serve as Interim City Attorney for the City and to provide legal services as provided in Section 9.04 of the City Charter and as may arise with respect to the regular daily business operations and events of the City. I will serve as lead counsel for the City, and will be assisted by other Firm attorneys as needed. We understand and agree that we are only being retained on an interim basis and that the City desires to hire an in-house City Attorney. As such, we agree that we will not seek to be engaged as the "permanent" City Attorney unless the City Council changes course and determines that it wishes to engage a law firm to serve as City Attorney.

2. **Fees for Services.** The City will be charged and agrees to pay for our services on the basis of our discounted hourly rates. We are pleased to offer the City the following discounted hourly rates for our services: Partners and of counsel at \$350.00; and associates at \$300.00. It is our practice to charge for actual time expended on the City's behalf, but not less than 2/10ths of an hour for each activity. Our rates automatically increase on October 1 of each year by the greater of (i) three percent (3%); or (ii) the change in the consumer price index for all urban consumers for Miami-Fort Lauderdale-West Palm Beach as of August of that year; provided, however, that the first rate increase shall not occur until October 1, 2024.

3. **Costs.** In addition to the fees discussed in paragraph 2, we anticipate that certain expenses may be incurred and advanced on the City's behalf. These expenses may include filing fees, title commitment, title policy, survey, lien letters, recording costs, delivery charges, long distance telephone charges, photocopies (xerox), and special postage (express mail, and certified mail and the like). If travel expenses are incurred, they will be reimbursed at the prevailing government rate. In the event unusually large costs or advances are anticipated, we reserve the right to require an additional cost deposit from the City prior to undertaking the expenditures of funds on the City's

behalf. In addition to our fees for legal services, the City agrees to pay us for such out-of-pocket costs/expenditures. We will provide the City with an itemized list of all expenses for which reimbursement is required.

4. Payment of Fees and Costs. Our invoices will be submitted to the City on a monthly basis and each invoice will be due and payable when rendered. The City must understand that if any invoice remains unpaid for more than thirty (30) days after it is rendered, we reserve the right, in our discretion (subject to court approval, if necessary), to cease to provide further legal services to the City. The City will, however, be liable to us for the payment of any fees earned and any costs incurred by us to that time, together with any applicable taxes.

5. Withdrawal from Representation. We reserve the right to withdraw from representing the City if the City has misrepresented or failed to disclose material facts to us, or if we disagree about the course of action which should be pursued.

6. Representation of Other Clients. We are bound by rules of legal ethics not to represent any client if the representation of that client will be directly adverse to the interests of another client unless each such client consents to such representation after consultation. The City acknowledges the Firm's existing representation of St. Lucie County on litigation matters unrelated to the City.

7. Fees for Other Services. In the event the City asks us to render legal services with respect to other matters, in the absence of a written agreement specifically addressing that representation, the other matters will be handled on an hourly basis, and fees and costs will be payable under the same terms and conditions as provided for in paragraph 2, 3, and 4 of this letter. Services already being provided pursuant to a separate written agreement with the City will continue to be provided in accordance with those agreements.

8. Commencement of Representation. If the foregoing is agreeable to the City, please acknowledge the City's understanding and agreement by signing this letter and delivering it to us.

Sincerely,

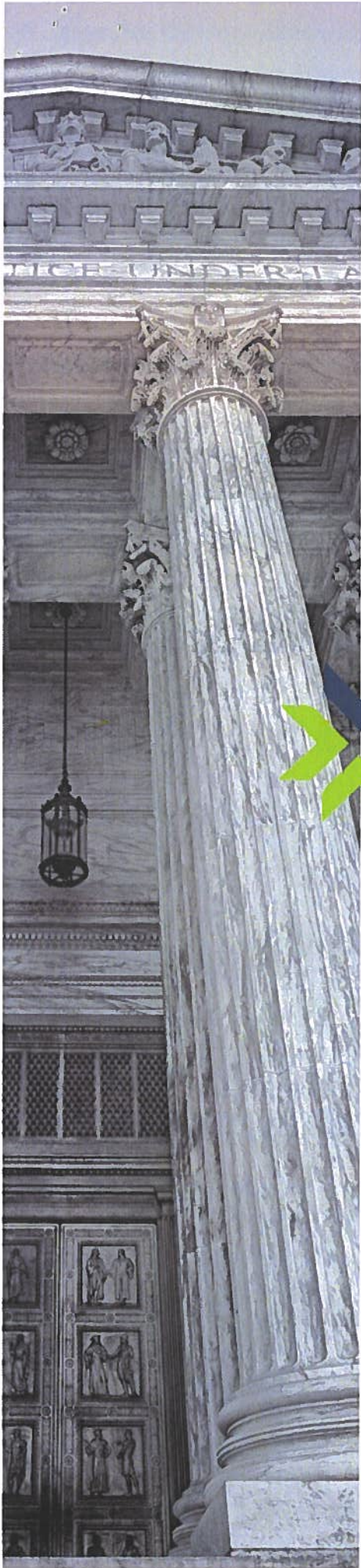
WEISS SEROTA HELFMAN COLE & BIERMAN



Susan L. Trevarthen

AGREED AND ACCEPTED on this ____ day of _____, 2023.

By: _____
For City of Port St. Lucie



WEISS SEROTA

HELFMAN COLE + BIERMAN

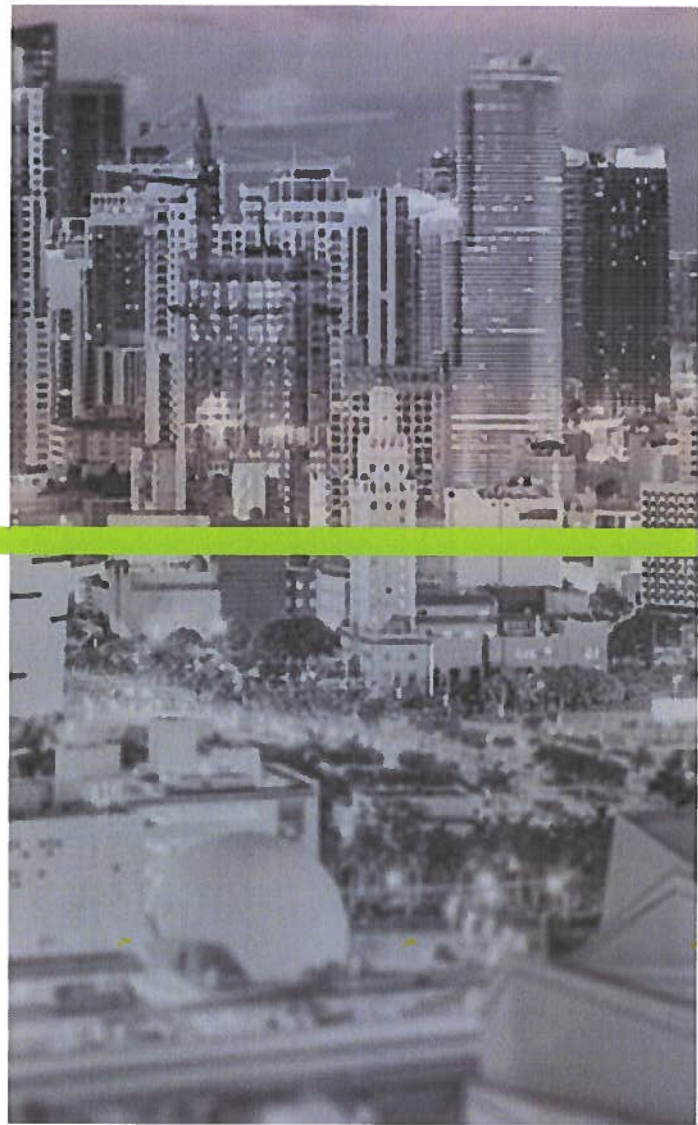
ABOUT THE FIRM



Our firm is the product of innovative thinking. In 1991, our founders saw a need in the Florida legal market for a high-end, boutique firm dedicated to a small number of integrated practice areas. More than 30 years later, we continue to outpace sophisticated market players with focused practice groups, teamwork and a zealous commitment to our clients. We have grown to more than 90 lawyers who look to our Unifying Principles to maintain an ethical and people-focused business model that puts our clients' needs at the heart of our practice.

FEW FIRMS IN FLORIDA CAN MATCH OUR EXPERIENCE REPRESENTING LOCAL GOVERNMENTS AND SPECIAL DISTRICTS.

Our attorneys have experience in all facets of local government law including code enforcement, government affairs, public policy, regulatory matters, land use and zoning, general corporate matters, employment laws, and public private transactions. Many of our attorneys are former state, county and city attorneys. We serve as general counsel for dozens of public entities across Florida.



As leaders in their areas of law, they are frequent speakers, writers, and board members of bar and civic organizations. We are AV rated by Martindale-Hubbell and, for years, have been ranked as a Tier-1 law firm by U.S. News Media Group and Best Lawyers® in our core practice areas. Our lawyers are also recognized by Chambers USA as "Leaders in their Field" in several practice areas. Whether we are serving governments, corporations or individuals, solving our clients' problems is our highest priority—you can count on us.



MUNICIPAL COUNSEL

Local governments deserve the same high-level professional legal services as for-profit businesses. We understand that your government is a multi-million dollar entity with employees, complex regulatory systems, and demanding stakeholders, namely, the residents and businesses within the community.

As former city and county attorneys, our municipal lawyers provide top-level legal advice that is not clouded by political influences in an effective, cost-efficient and clear manner. For example, we provided and managed the provision of consistently excellent legal advice and services to the City of Aventura, which has assisted the city government in accomplishing its goal to be widely known as the “City of Excellence” and for delivering a high quality of life to its residents coupled with a low tax rate.

We efficiently draft and review a multitude of resolutions and ordinances each year, saving our clients precious taxpayer money. We strive to draft legislation that is both understandable to the general public and able to survive legal challenge. For example, we assisted the City of Riviera Beach in drafting four City Charter Amendments presented to and overwhelmingly approved by the voters in the city’s March 2019 election, despite the unique circumstance that the voters replaced the majority of the City Council at the very same election.

Our lawyers also deal with legal matters that are crucial for the day-to-day function of municipalities including land use, procurement, ethics, animal control, and code enforcement. We also work on matters related to public contracts, environmental law, labor and employment, real estate and telecommunications.

We keep abreast of the latest legislative and judicial developments in municipal law through a program of in-house training and continuing education. We are frequently requested to publish articles and make presentations to our peers, local bar associations, and the Florida League of Cities.

As legislative efforts increase in Tallahassee to limit municipal home rule authority in important areas of concern to local communities, our lawyers stand ready to provide timely advice regarding such efforts and how best to exercise local control within the boundaries of the law, and when necessary, to challenge legislative attempts to overreach.

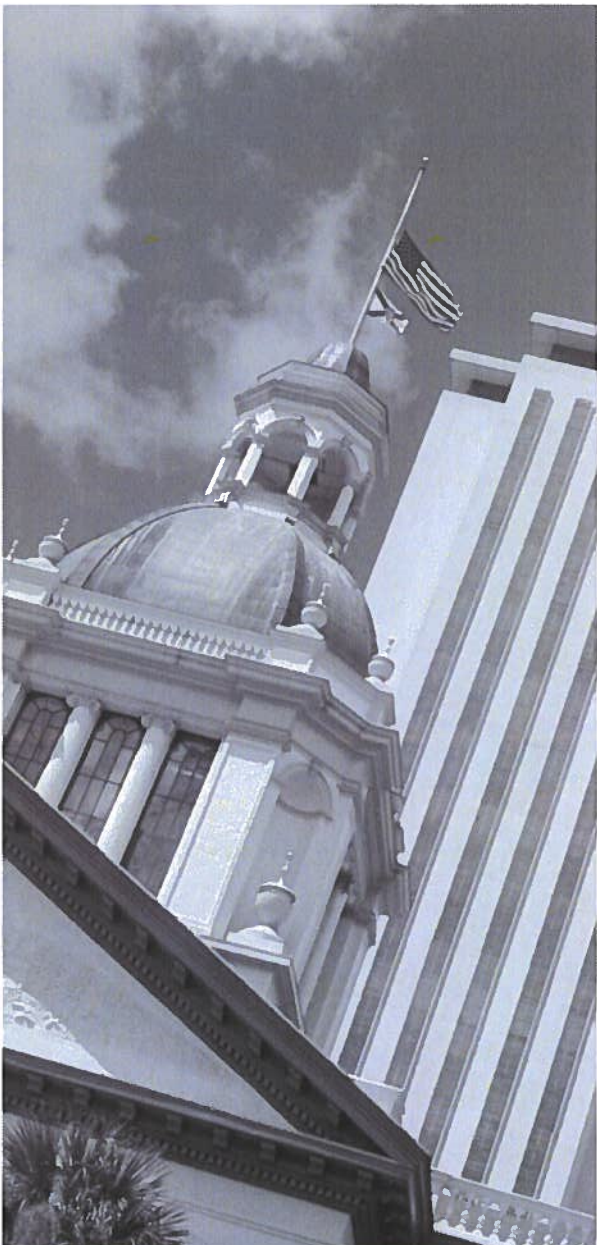
We understand our role is not to make policy, but to counsel and assist our clients by providing a legal framework for decision-making. Our services enable our local government clients to meet their constitutional responsibilities and to earn and retain their constituents’ confidence and trust.

SPECIAL COUNSEL TO LOCAL GOVERNMENT

When a city attorney or general counsel for a public entity decides outside legal counsel is needed, we know there is an important and, often times, sensitive matter at stake, and we are ready to provide you with special counsel services for the issues you are facing. Depending on your needs, we work in conjunction with your general counsel to promptly and efficiently handle your legal needs. Because we also serve as general counsel for dozens of public entities across Florida, we intrinsically understand how local government works, and we are exceedingly respectful of our assigned role in your matter. The following represents a small selection of our areas of expertise as special counsel:



- Appellate law
- Asset forfeiture law
- Code Enforcement
- Community Redevelopment
- Constitutional Law
- Construction Law
- Election Law
- Eminent Domain Law
- Employment and Labor Law
- Environmental Law
- Ethics Law
- Foreclosure Law
- Government Litigation
- Land Use and Zoning
- Police Legal Advisement
- Procurement law
- Public Finance
- Public/Private Transactions
- Real Estate
- Solid Waste Management
- Sustainable Development
- Telecommunications
- Transportation Law



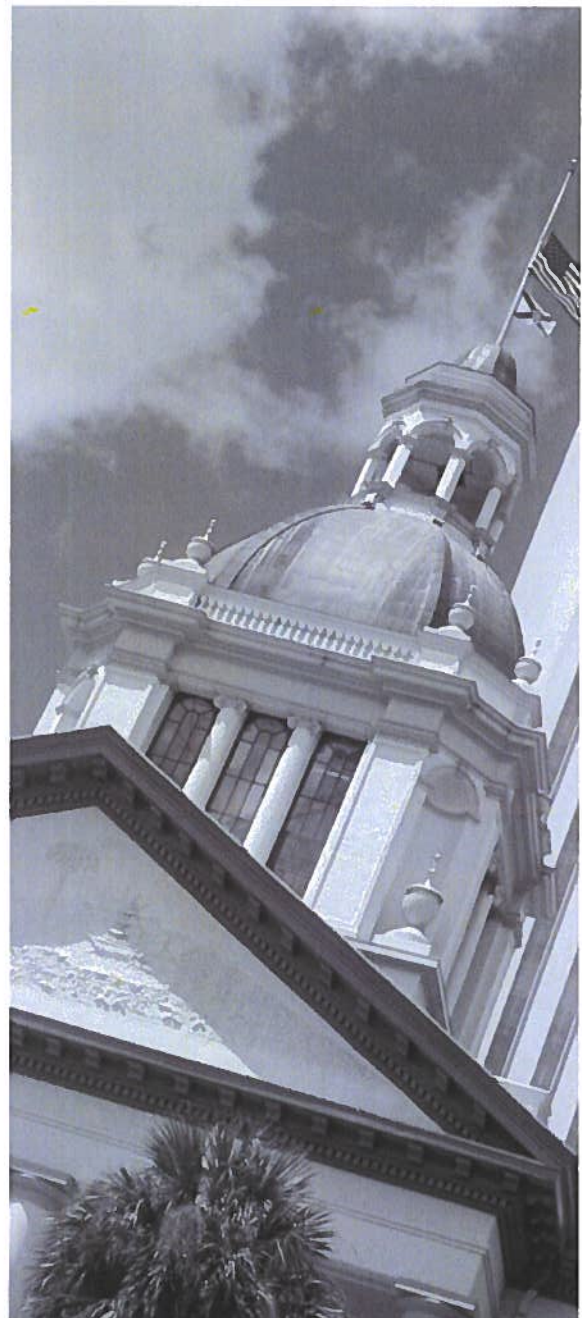


GOVERNMENT CLIENTS

- Bal Harbour Village
- Broward Sheriff's Office
- City of Aventura
- City of Bartow Municipal Police Officers' Retirement Trust
- City of Boca Raton
- City of Coconut Creek
- City of Coral Gables
- City of Dania Beach
- City of Deerfield Beach
- City of Delray Beach
- City of Doral
- City of Dunedin
- City of Fernandina Beach
- City of Florida City
- City of Fort Lauderdale
- City of Greenacres
- City of Hallandale Beach
- City of Hollywood
- City of Homestead
- City of Lake Worth Beach
- City of Lauderhill
- City of Marco Island
- City of Margate
- City of Miami
- City of Miami Beach
- City of Miami Gardens
- City of Miami Springs
- City of Naples
- City of North Miami
- City of North Miami Beach
- City of North Port
- City of Oakland Park Police and Fire Pension Plan Board of Trustees
- City of Parkland
- City of Pembroke Pines
- City of Port St. Lucie
- City of Riviera Beach
- City of Safety Harbor
- City of Sebastian
- City of South Miami
- City of Stuart
- City of Sunrise
- City of Venice
- City of West Palm Beach
- City of Weston
- Cooper City
- Dania Beach Community Redevelopment Agency
- Dania Beach Housing Authority
- Deerfield Beach Housing Authority
- Delray Beach Housing Authority
- Hardee County
- Hillsboro Inlet District
- Housing Authority of Pompano Beach
- Indian Creek Village
- Indian Trail Improvement District
- Islamorada, Village of Islands

GOVERNMENT CLIENTS

- Kenneth City
- Lake Worth Beach CRA
- Lauderdale Housing Authority
- Levy County School District
- Margate CRA
- Martin County
- Miami Shores Village
- Miami Springs
- North Bay Village
- Opa-Locka CRA
- Palm Beach County
- Plantation Acres Improvement District
- St. Lucie County
- St. Lucie County Fire District
- Town of Cutler Bay
- Town of Davie
- Town of Davie CRA
- Town of Golden Beach
- Town of Gulf Stream
- Town of Kenneth City
- Town of Lauderdale-By-The-Sea
- Town of Medley
- Town of Miami Lakes
- Town of Palm Beach
- Town of Surfside
- Village of Golf
- Village of Key Biscayne
- Village of Palmetto Bay
- Village of Pinecrest
- Village of Royal Palm Beach



Susan Trevarthen

PARTNER, CHAIR OF PUBLIC
SECTOR LAND USE AND
ZONING PRACTICE GROUP

FT. LAUDERDALE
(954) 763-4242
STREVARTHEN@WSH-LAW.COM



As a Florida Bar Board Certified attorney in City, County and Local Government Law with a Master's degree in planning, Susan Trevarthen has an in-depth and specialized knowledge of the challenges faced by local government clients in the complex areas of land use, planning and zoning. Her work includes negotiating development agreements and approvals, drafting municipal codes and plans, defending challenges to municipal regulations and decisions, handling public hearings and advocating for municipalities on legislative issues in her field.

Susan is also a trusted advisor to elected officials, municipal staff, managers and attorneys on new and evolving municipal issues such as medical marijuana and loss of control over rights of way as ride-sharing services and e-scooter companies compete for use. She also serves as the lead municipal attorney for two coastal communities in Miami-Dade and Broward Counties.

Susan's practice includes constitutional law issues such as regulatory taking cases and land use and zoning decisions that raise First Amendment issues, including sign codes, adult use and religious regulations, Bert J. Harris Act claims, comprehensive plan challenges and petitions for writs of certiorari.

Susan was instrumental in helping to develop the field of school concurrency policy and law in Florida, and has represented local governments and school boards across the state on school planning, facilities issues and mandatory school concurrency.

Susan is a member of the College of Fellows of the American Institute of Certified Planners and has held leadership positions in The Florida Bar's Section for Environmental and Land Use Law and Section for City, County and Local Government Law. She is the chairperson of the Board of Directors of 1000 Friends of Florida. She speaks and publishes frequently on planning, zoning and land use issues and has been a regular guest lecturer at the University of Miami School of Law, St. Thomas University School of Law and Florida Atlantic University School of Urban Planning.

Reference Check Summary

Susan Trevarthen - Weiss Serota

Tom Ansbro
Former assistant City Attorney, City of Fort Lauderdale
Former City Attorney, City of Dania Beach
Current special magistrate for several cities
Former partner/associate of Weiss Serota
954-651-2070 (cell)
Tansbro814@gmail.com

Who did you work with at the law firm?

Worked with Susan for 15 years in several capacities. While in Dania Beach, Susan worked on land use and zoning matters. Also worked with her at special magistrate meeting for 8 – 9 years. Worked with several other attorneys from the firm as well.

What services did the law firm provide to your city?

The law provided services in litigation, arbitration, real estate matters, private-public partnerships. Susan dealt with land use, zoning matters. She also has lots of experience in municipal work.

Was this person on site or worked remotely during the need?

They would have many face-to-face meetings, attend Council meetings when needed. Susan attended Council meetings relating to land use and zoning.

Did the law firm provide an interim city attorney and in what capacity?

Susan was the Town Attorney for Lauderdale by the Sea for 7 – 8 years.

How many staff did Susan oversee and supervise staff?

As the land use chairperson, she had 3 – 5 lawyers who reported to her.

Would you hire them again to assist in the same manner?

Yes, highly recommended. Susan is a 1st class lawyer and a wonderful person. In all of my 50 years of doing this type of work, Susan is superior.

Sonja Dickens
City Attorney, City of Miami Gardens
Chair of City Attorney Committee for Miami-Dade League of Cities
954-793-0168 (cell)
sdickens@miamigardens-fl.gov

Is your City Attorney a charter officer position?

Yes.

Who did you work with at the law firm?

Worked with Susan, Joe Serota, and many other members from the firm, about 12 –15 people, over the years. Mostly used as outside counsel.

What services did the law firm provide to your city?

They worked on outside litigation, real estate, HR- related issues, municipal law, and other matters.

Was this person on site or worked remotely during the need?

They were purely outside counsel.

Did the law firm provide an interim city attorney and in what capacity?

Susan served as interim City Attorney for other cities, just not for Miami Gardens.

Would you hire them again to assist in the same manner?

Yes, will continue to work with them. The firm is top-notch, very professional. In my 30 years in doing this, there is no better firm that I would prefer working with.